

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management
Rule No. 335-6-15-.46
Rule Title: Operator Training

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

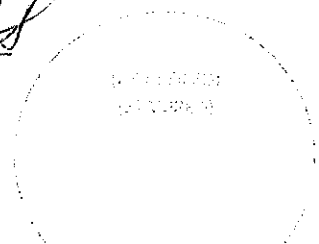
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Maulz Elliott

Date July 20, 2017



ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Environmental Management

RULE NO. & TITLE: 335-6-15-.02 Definitions
335-6-15-.03 Applicability
335-6-15-.04 Installation Requirements for Partially Excluded Systems
335-6-15-.05 Notification Requirements
335-6-15-.06 Performance Standards for New UST Systems and Dispensers
335-6-15-.07 Upgrading of Existing UST Systems
335-6-15-.08 Plans and Specifications
335-6-15-.09 Operation, Maintenance, and Testing or Inspection of Spill and Overfill
Prevention Equipment and Containment Systems; and Walkthrough Inspections
335-6-15-.10 Operation and Maintenance of Corrosion Protection
335-6-15-.11 Compatibility
335-6-15-.12 Repairs Allowed
335-6-15-.13 Reporting and Recordkeeping
335-6-15-.14 General Release Detection Requirements for All UST Systems
335-6-15-.15 Release Detection Requirements for Petroleum UST Systems
335-6-15-.16 Release Detection Requirements for Hazardous Substance UST
Systems
335-6-15-.17 Methods of Release Detection for Underground Storage Tanks
335-6-15-.18 Methods of Release Detection for Underground Piping
335-6-15-.19 Release Detection Recordkeeping
335-6-15-.20 Reporting of Suspected Releases
335-6-15-.22 Release Investigation and Confirmation Steps
335-6-15-.24 Initial Release Response
335-6-15-.25 Initial Abatement Measures and Preliminary Investigation
335-6-15-.26 Preliminary Investigation Requirements
335-6-15-.27 Free Product Removal
335-6-15-.28 Secondary Investigation Requirements
335-6-15-.29 Corrective Action Plan
335-6-15-.30 Corrective Action Requirements
335-6-15-.31 Public Participation
335-6-15-.32 Analytical Requirements
335-6-15-.33 Temporary Closure
335-6-15-.35 Site Closure or Change-In-Service Assessment
335-6-15-.37 Closure Records
335*6-15-.39 Availability to Public of Records, Reports or Information
335-6-15-.42 Underground Storage Tank Regulation Fee
335-6-15-.43 Financial Responsibility for Petroleum UST Owners and Operators
335-6-15-.45 Delivery Prohibition
335-6-15-.46 Operator Training

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07/04

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION

NOTICE OF INTENDED ACTION

RULE NO. & TITLE:

335-6-15-.47 Certification Requirements for Individuals Who Supervise Installation,
Closure, and Repair of UST Systems
335-6-15-.48 UST Systems with Field-Constructed Tanks and Airport Hydrant Fuel
Distribution Systems
335-6-15-.49 Severability

INTENDED ACTION: Amend Chapter 335-6-15 of the ADEM Administrative Code

SUBSTANCE OF PROPOSED ACTION:

The Department of Environmental Management proposes to amend portions of the Division 6 Underground Storage Tanks Program Regulations to make typographical and grammatical corrections, to make clarifications necessary to maintain consistency with analogous federal rules, and to adopt new amendments required by the USEPA which are necessary to maintain the programs fully authorized status.

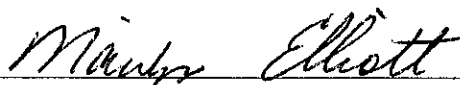
TIME, PLACE, MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held Wednesday, August 9, 2017 at 10:00 a.m. in the Main Hearing Room at the ADEM Central Office located at 1400 Coliseum Blvd, Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

September 6, 2017

CONTACT PERSON AT AGENCY: Sonja Massey, Chief of the Groundwater Branch, ADEM Land Division, (334) 271-7832.



Lance R. LeFleur
Director

335-6-15-.46 Operator Training.

(1) Owners and operators of underground storage tank systems shall designate a Class A, Class B, and Class C operator as defined in rule 335-6-15-.02(~~ppyy~~) through (~~raaa~~). All persons designated as a Class A, B, or C operator shall be trained in accordance with paragraphs (3), (4) and (5) of this rule. Different persons may be designated for each classification or a person may be designated to more than one classification. A person who is designated to more than one operator classification shall be trained in each classification for which the person is designated. Training programs that qualify a participant in more than one operator classification are allowed.

(2) Owners and operators shall identify, for each underground storage tank system or group of underground storage tank systems at a facility, at least one person for each class of operator. Class A and Class B operator training records shall be maintained either at the underground storage tank facility or at an alternative site for all current operators. Documentation of training shall be provided to the Department upon request. Class C operator training records shall be maintained at the underground storage tank facility for all current operators, so that they are immediately available upon inspection by the Department.

(3) Operator training shall satisfy the following minimum requirements for each operator classification.

(a) Class A operator training shall provide a general knowledge of underground storage tank system requirements so the operator can make informed decisions regarding compliance and ensure responsible persons are fulfilling operation, maintenance, and recordkeeping requirements and standards in accordance with this chapter regarding underground storage tank:

1. Spill prevention;
2. Overfill prevention;
3. Release detection;
4. Corrosion protection;
5. Emergency response;
6. Product compatibility;
7. Documentation of financial responsibility;
8. Notification and registration;
9. Release and suspected release reporting;
10. Temporary and permanent closure; and

11. Operator training.

(b) Class B operator training shall provide a more in-depth understanding of operation and maintenance aspects than Class A training, but may cover a more narrow breadth of regulatory requirements. Class B operators may obtain either site-specific operator training, which is focused only on equipment used at the underground storage tank facility, or training in broader regulatory requirements. At a minimum, Class B operator training shall encompass the following:

1. Components of underground storage tank systems;
2. Materials of underground storage tank system components;
3. Methods of release detection and release prevention applied to underground storage tank components; and
4. Underground storage tank operation and maintenance requirements including:
 - (i) Spill prevention,
 - (ii) Overfill prevention,
 - (iii) Release detection,
 - (iv) Corrosion protection,
 - (v) Emergency response,
 - (vi) Product compatibility,
 - (vii) Reporting and recordkeeping, and
 - (viii) Class C operator training.

(c) Class C operator training shall provide, at a minimum, instruction on:

1. Immediate actions required to be taken in response to emergencies, such as situations posing an immediate danger or threat to the public or to the environment; and
2. Actions required to be taken in response to alarms caused by spills or releases from an underground storage tank system.

(4) The training requirements of this rule may be satisfied by any one or combination of the following:

(a) An operator training program conducted by the Department; or the owner, the operator or a third party, that has received prior Department

approval. The program may include in-class, on-line, or hands-on training, and shall include an evaluation of operator knowledge. Examples of evaluation include testing, practical demonstration, or other tools acceptable to the Department.

(b) An examination designed to measure operator knowledge and administered by the Department; or the owner, the operator, or a third party, acceptable to the Department. The examination shall reasonably determine that the person tested has the necessary knowledge and skills to be considered competent to operate underground storage tanks.

(c) Class C operators may be trained by Class A and Class B operators that are employed by the same underground storage tank owner as the C operator.

(d) Operator training received outside the State of Alabama that is verified by and acceptable to the Department.

(5) All persons designated as Class A, Class B, or Class C operators shall satisfy the training requirements of this rule no later than August 8, 2012. After August 8, 2012, operators shall be trained as follows:

(a) Class A and Class B operators shall be trained within 30 days after assuming operation and maintenance responsibilities for an underground storage tank system; and

(b) Class C operators shall be trained before assuming responsibility for responding to emergencies.

(6) In the event the Department determines that an underground storage tank system is not in compliance with the requirements of this chapter, the responsible operator(s) shall be retrained. The Department may determine that any one Class A, B, or C operator be retrained, or any combination of Class A, B, or C operators be retrained. Operators shall be retrained within a reasonable time established by the Department. At a minimum, retraining shall include training in the areas determined not in compliance with the requirements of this chapter.

Author: Sonja Massey, Curt Johnson, Lee Davis.

Statutory Authority: Code of Alabama 1975, § 22-36-3.

History: November 24, 2009; January 16, 2012; April 1, 2014.

Amended: January 16, 2012; April 1, 2014; XXXXXX, 2017.